Abstract

A Study on the International Rule of Protection on Audiovisual Performances and its Development in Korea

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The performance is essentially one, thus aural performance and audiovisual performance are not different from the start. However, the two types of protection have been dealt differently given the tight environment of audiovisual industry. The Korean copyright law has employed the special rule on audiovisual works in that the copyright or neighboring rights of each contributors had been transferred to producer of the audiovisual products, and this is more or less common in other countries also.

However, the new era on audiovisual performances has been opened by the Beijing Treaty in 2012. The Paragraph 3 of the Article 100 of Korea Copyright Act provides that "if performers promises cooperation to the production of audiovisual works with its producer, then his rights will be presumed to be transferred to the producers unless there is special agreements provides otherwise." There is a collective management organization in the area of the audiovisual performances by way of the above-mentioned 'special agreements' which is mainly about re-broadcasting. This article argues that the balance between aural performances and audiovisual performances should be secured, and it is better to provide only the remuneration rights to broadcasting of audiovisual performances instead of exclusive rights. There is a need to organize audiovisual performers in the area of film, music and SNS, of which performers have not been duly protected in practice.

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Keywords

Audiovisual Performance, Performers, Beijing Treaty, Audiovisual Works, Producer of Audiovisual Works, Special Rule on Audiovisual Works, World Intellectual Property Organization, Remuneration Right, Residual Rights, Collective Administration

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